

Policy Type

Council

Policy Purpose

This policy outlines the process by which Council appoints an Acting Chief Executive Officer, as required by Section 5.39C(1)(a) and (b) of the Local Government Act 1995 for a period of less than one year.

Policy Statement

Pursuant to Section 5.36 of the *Local Government Act 1995* (the Act), it is a requirement that Council employ a person to be CEO to enable the functions of the of Local Government and the functions of Council to be performed.

The manner of the recruitment is prescribed in the Act and the *Local Government (Administration) Regulations 1996*. The *Local Government Legislation Amendment Act 2019*, section 5.39C was inserted into the Act and informs the requirements for this policy.

Compliant with section 5.39C of the Act, this policy sets out the process in relation to the appointment of senior employees to act in the position of CEO for a term not exceeding once year.

(1) Scope

This policy applies when the CEO is absent, on leave, or otherwise unavailable to carry out official duties.

(2) Appointment of an Acting CEO – Planned absence

The CEO may appoint an acting CEO for any period that does not exceed three months in any one consecutive period. Appointment shall be at the discretion of the CEO, having consideration for the availability of the acting CEO, their ability to best lead administrative matters during the period of acting, and subject to the senior employee's satisfactory performance.

Only a senior employee may be appointed as acting CEO, and the appointment shall be in writing on each occasion where it is five(5) days or more.

The CEO shall advise Council Members of the appointment and the period to which the appointment covers.

The CEO will present a recommendation to Council for an acting CEO appointment that exceeds three months in any one consecutive period for Council determination.

(3) Appointment of an Acting CEO – Unexpected Leave or Vacancy

In the event that no acting CEO has been appointed and the CEO:

1. takes unexpected leave;
2. is otherwise incapacitated; or
3. position is unexpectedly vacant

The Manager Legal and Compliance will appoint a senior employee (consistent with the manner of appointment set out in clause (2) of this Policy) to the position of acting CEO until such that Council meets to determine the acting CEO.

(4) Remuneration

For any period of absence of the CEO of less than three months continuous duration, an Acting CEO is to be paid a cash component salary rate being the lesser of:

1. the mid-point for Level 1 Local Government CEO as determined by the Salaries and Allowances Tribunal at the time of the appointment; or
2. 90% of the current CEO cash component of salary.

For the temporary employment of a person who is not a current City of Cockburn employee in the position of CEO for a period not exceeding 12 months, the Council will determine a remuneration package payable to the appointed person.

(5) Roles and Responsibilities

The Executive People Experience and Transformation is responsible for implementation and compliance with this Policy, and for providing interpretation in the event of the need for clarification or a dispute.

- (6) All disputes in regard to this policy will be referred to the CEO to resolve in the first instance. In the event that an agreement cannot be reached, or if the CEO is incapacitated or otherwise not available, the matter be referred to the Executive Governance and Strategy for determination.

Title	Appointment of Acting Chief Executive Officer
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(7) Evaluation and Review Provisions

This policy will be reviewed if changes to legislation may dictate. Any amendment to the policy post adoption must be adopted by Council by absolute majority.

Strategic Link:	Governance Framework
Category	Corporate Services and Administration
Lead Business Unit:	People Experience and Transformation
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